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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,889	06/25/2003	Syed F.A. Hossainy	50623.257	4898

7590 10/04/2005
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EXAMINER

CHEN, BRET P

ART UNIT PAPER NUMBER

1762

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,889

Applicant(s)

HOSSAINY ET AL.

Examiner

B. Chen

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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DETAILED ACTION

Claims 1-46 are pending in this application. The Amendment after Final dated 8/19/05 has been entered. A new art rejection has been provided below. The examiner regrets the inconvenience.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-46 are rejected under 35 U.S.C. 103(a) as being obvious over Hansen (6,669,980) in view of Bouchier et al. (6,534,112).

Hansen discloses a method for spray-coating a medical device by applying a coating formulation, which comprises a polymeric material and a solvent (col.4 lines 59-63). The reference teaches that the invention can be practiced by using a single type of polymer or combined with biologically active materials (col.5 lines 38-44). The solvent is subsequently evaporated (col.9 line 36). However, the reference fails to specifically teach a dry coating comprising less than about 2% residual fluid content.

It is noted that the reference clearly teaches that the coated stent was heated to dry substantially all of the solvent (col.10 line 24). One skilled in the art would realize that Hansen desires that much of the solvent be removed by drying. Given Hansen' teaching, it would have been obvious to the skilled artisan to dry the coating so that there is less than 2% in the absence of a showing of criticality.

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In addition, Hansen fails to teach applying a fluid to the dry coating and allowing the fluid to evaporate. Bouchier discloses a method and system for coating implantable medical devices with antimicrobials (col.1 lines 7-16). Specifically, Bouchier teaches that after the medical device has been coated, it is aerated for a predetermined time period using a pressurized gas flow and then washed at least once using a wash solution followed by passing a gas, usually air, over the medical device to accelerate the drying process (col.5 lines 8-16).

It is noted that Bouchier teaches the conventionality of washing the coated stent and the drying it before sterilization. It would have been obvious to utilize Boichier's post treatment step in the process of Hansen because of the reasons given above.

The limitations of claims 2-46 have been addressed above.


Hossainy (20040220665A1) and Nchekwube et al. (20040258728A1) have been cited as relevant art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Chen whose telephone number is (571) 272-1417. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bc
9/28/05


BRET CHEN
PRIMARY EXAMINER